

REMARKS/ARGUMENTS

Reconsideration of the above-identified application respectfully requested.

The amendment to page 4 corrects an inadvertent typographical error by replacing "know" with "knob".

The amendment to claim 1 corrects a lack of antecedent basis by replacing "the unit" with "and out the tank outlet". This flow is consistent with the description at page 4, ll. 17-24 and Fig. 3. No new matter is added by virtue of these amendments. Moreover, such claim amendments are ministerial in nature as they relate to inadvertent errors. Accordingly, Applicants assert that no claims have been narrowed with the meaning of *Festo* (*Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 535 US 722, 112 S.Ct. 1831, 152 L.Ed.2d 944, 62 USPQ2d 1705 (2002)). See also *Interactive Pictures Corp. v. Infinite Pictures Inc.*, 274 F.3d 1371, 61 USPQ 1152 (Fed. Cir. 2001) (addition of the words "transform calculation" was not a narrowing amendment because that addition did nothing more than make express what had been implicit in the claim as originally worded).

New claims 4-6 add the resin tank to the novel bypass valve as described in the application. No new matter is added by virtue of these new claims and their entry respectfully requested.

Claims 1-3 stand rejected under the provisions of 35 U.S.C. § 103(a) as being unpatentable over Hankison (U.S. Patent No. 3,977,433) in view of Jennings (U.S. Patent No. 3,095,903). Hankison is cited as showing a water bypass valve having a pair of seals at the ends of a central bore in the bypass position and one of the seals in the middle of the bore in the service position. While the tank and service recitations are seen as having no patentable weight in claims 1-3, they do in claims 4-6 where the "tank" (actually, "water-processing unit" consistent with the application at p. 3, line 31 bridging p. 4, line 2). Hankison admittedly does not show a geared actuator. Jennings, then, is cited as showing a multiway piston valve with a hand actuated rack and pinion actuator that travels 180° between detents 120 and 122.

Applicant respectfully traverses the rejection and grounds therefor.

Applicant agrees with the Examiner's assessment of Hankison. Jennings, however, does not make up for the deficiencies of Hankison. Jennings does not show a "water softener" bypass valve, so that it does not have the requisite number and placement of ports required of bypass valves as disclosed in the present application. This is especially true of new claims 4-6, but also true of claims 1-3, which have the same number and placement of valves for use of the novel bypass valve with a "water-processing unit". Jennings, then, is designed for delivering high-pressure fluid to a plurality of outlets and balances the valve, but does not rotate a knob to

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place the bypass valve in a bypass position and a service position. Applicant is not claiming that he invented rack and pinion movement, just that he was the first person to recognize its application in a water-processing unit bypass valve where simple rotation of a knob engages service and bypass condition of the bypass valve. The structured combination fails to show that.

As such, the claims are allowable over the cited art combination. Accordingly, allowance and passage to issue of the claims respectfully is requested.

Date:

30 March 2006

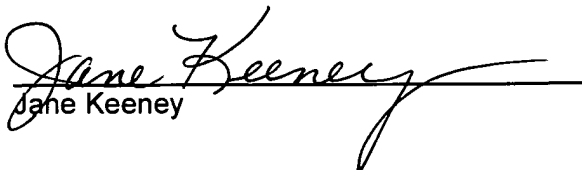
Respectfully submitted,


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